

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Gladys Elizabeth Elawwad,) C/A No. 4:17-cv-01353-DCC
vs.)
Plaintiff,)
Commissioner of Social Security,) ORDER
Defendant.)

)

On November 5, 2018, W. Daniel Mayes, counsel for Plaintiff, filed a motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") ECF No. 34. In the motion, Mayes requests reimbursement for representation provided in the above-referenced case in the amount \$4,229.19 and \$16.00 for expenses. *Id.* The Commissioner filed a stipulation by and between the parties to an attorney fee of \$3,600.00. ECF No. 35. Accordingly, the court directs the Commissioner to pay Plaintiff the stipulated sum of \$3,600.00. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision.¹

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. Under *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). In the event Plaintiff has no

¹The Stipulation, signed by counsel for Plaintiff and Defendant, indicates that the motion for attorney's fees is withdrawn in light of the stipulation. ECF No. 35 at 1.

present debt subject to offset and Plaintiff has executed a proper assignment to Plaintiff's counsel, Defendant is directed to make the payment due to Plaintiff's counsel. If Plaintiff has no debt subject to offset and no proper assignment has been made by Plaintiff to counsel, Defendant is directed to make the check due pursuant to this Order payable to Plaintiff and delivered to Plaintiff's counsel.

IT IS SO ORDERED.

December 13, 2018
Spartanburg, South Carolina

s/ Donald C. Coggins, Jr.
United States District Judge